

FILED '07 JAN 30 15:02 USDC-ORE

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MARLON W. DELONG,

Plaintiff,

Civil No. 05-1822-TC

v.

FINDINGS AND
RECOMMENDATION

WASHINGTON COUNTY BOARD
OF COMMISSIONERS, et al.,

Defendants.

COFFIN, Magistrate Judge.

By Order (#8) and Judgment (#9) entered April 13, 2006, this action was dismissed for failure to prosecute. Subsequently, plaintiff filed an amended complaint and an Order to Collect Inmate Filing Fee and for Service by U.S. Marshal (#11) was sent to plaintiff on May 25, 2006. The

court's (#11) was returned as undeliverable on June 1, 2006.

Pursuant to Local Rule 83.10, a party not represented by counsel has a "continuing duty to notify, the clerk's office whenever they change their mailing address or telephone number." When mail from the court to a party cannot be delivered due to the lack of a current address, and the failure continues for sixty (60) days, the court may dismiss the action. Local Rule 83.12.

Plaintiff has not filed a change of address as required by Rule 83.10 or otherwise contacted the court in over 7 months. Accordingly, this action should be dismissed for failure to prosecute.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have ten days from the date of service of a copy of this recommendation within which to file specific written objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the

factual issue and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judges's recommendation.

DATED this 30^T day of January, 2007.



Thomas M. Coffin
United States Magistrate Judge